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| 10/817,517 | 04/02/2004 | Rhonda Holbrook | 45550.0100 | 3155 |

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| EXAMINER |
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CHAUDHRY, SAEED T

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| ART UNIT | PAPER NUMBER |
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1746

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,517

Applicant(s)

HOLBROOK, RHONDA

Examiner

Saeed T. Chaudhry

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/19/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Applicant's election without traverse of Group I, claims 1-13 in Paper No. 06292006 is acknowledged. A typographical error has been discovered in the office action mailed on May 31, 2006 in the claims. The Group I, should be comprised of claims 1-13 and Group II should be comprised of claims 14-20. Therefore, Group I, claims 1-13 are been considered in this office action and claims 14-20 has been withdrawn as non-elected claims.

Drawings

The drawings are objected to because in the specification characters "418, 420, 422" on page 10 at paragraph [0037] are recited. These elements are not present in Figure 1. Reference characters mentioned in the description must appear in the drawings. See MPEP 608.02(O)5. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poitevin in view of Conn, Jr.

Poitevin (4,807,319) discloses a hot water cleaning system for grocery carts having a fluid delivery sources for providing a fluid (33, 34); plurality of nozzles (36, 37, 38) for ejecting the fluid towards the center of an enclosure; a conveyor belt (24) for conveying cart from one end to the second end of the enclosure; and a drying area 50 at the exit of the enclosure for drying the cart (see Figs. 1-4).

With reference to FIG. 2 where the wash tunnel 20 is shown in which the grocery cart 19 can be conveyed by the use of a floor mounted conveyor 22 and associated driving gears 23. Floor mounted conveyor 22 is further provided with endless belt 24 in a manner well known in the art. Wash tunnel 20 is comprised of a molded channel 26 having upstanding walls 27 and 28. The supply tanks 33 and 34 are provided to contain cleaning solution and sanitizing solutions respectively. Those tanks are in fluid communication with nozzles 36, 37, and 38. The cleaning solution as contained in tank 33 or the sanitizing solution as contained in tank 34 upon the grocery carts 19 moving through tunnel 20.

With respect to FIG. 3 it can be seen that wash tunnel 20 is provided with the belt conveyor 22 which is an endless belt 24 and operating on rollers 23 in a manner well known in the art. It can also be seen from reference to FIG. 3 that vertical scrub brush 39 is included within wall 28 of wash tunnel 20 to provide a cleaning scrub of the carts as they pass through the wash tunnel. With continuing reference to FIG. 3 it can be seen that sanitizing pump 41 and sanitizing tank 34 are also included within enclosure 12. Prewash area 21 is provided with a high pressure water wand (not shown) in which an operator can spray a cart as it is in the

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prewash area 21. As shown in FIG. 4 supply tank 33 for holding cleaning solution and supply tank 34 for holding sanitizing solution are included within enclosure 12 so that the entire unit is self contained. Although many capacities could be used for the supply tanks 33 and 34 it has been found that approximately 300 gallons of cleaning solution in tank 33 and 300 gallons of sanitizing fluid in tank 34 is sufficient to handle the normal needs of a grocery store having approximately 200 carts.

Continuing with reference to FIG. 4 it can be seen that the pump 53 which provides pressure for the cleaning fluid for the both the prewash area as well as within the hot water high pressure washing area is located next to the dryer area 50 in the forward portion of the device 10. A heater space 54 is also provided for heating the water as well as heating the air which is used in the drying portion 50 (see col. 4, line 19 through col. 5, line 30). The reference fails to disclose plurality of sensors and a processor for activating the delivery source.

Conn, Jr. (3,854,054) discloses a control apparatus for a vehicle wash having a vehicle conveyor for transporting a vehicle through a plurality of devices is disclosed having electronic means for sensing a vehicle entering the apparatus and its progress along the conveyor. The control apparatus has electronic circuitry (processor) responsive to the above electronic means for selectively energizing the car wash rinsing, sudsing, brushing, waxing, drying devices and the like in advance of the vehicle entering the respective devices and selectively de-energizing said devices following the vehicle leaving the devices.

A typical car wash line will be seen to include a plurality of stations 11-18 housing a series of car wash devices for rinsing, brushing, washing, waxing, and drying (diagrammatically represented in FIG. 2 at 46), for instance, through which a vehicle is transported by means of conveyor 21.

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The control apparatus of the present invention comprises briefly means 22 and 23 for sensing a vehicle entering the car wash line; means 24 sensing units of conveyor movement and providing a series of pulses corresponding therewith (see additionally FIG. 6); means generally designated by numeral 26 having a plurality of outputs 27 related to units of conveyor movement and being energized by a signal coming from sensing means 22 and 23 and by electric pulses deriving from means 24, outputs 27 being thereby serially energized with the movement of a vehicle along conveyor 21 (as will be more fully explained below), the energized outputs serving to image the vehicle and its movement over the length of the car wash line (see col. 2, lines 47 to 66).

It would have been obvious at the time applicant invented the claimed system for sanitizing a shopping cart to include sensors and a controller as disclosed by Conn, Jr. into the system of Poitevin for the purpose of automatically washing the cart in the system and reduce the consumption of the fluids. The artisan would have been motivated to make the instant combination in an attempt to automate the machinery and reduce human errors. Further, Conn, Jr. discloses a vehicle washing system, which is equivalent to a cart, since cart is a vehicle. Therefore, one of ordinary skill in the art would combine the teaching of both the references, since both the references are within the same technical endeavor. The systems are capable of using different liquid agents in different tanks and spray separately from different set of nozzles. Poitevin discloses to activates conveyor by receiving signal from the sensors. Therefore, one of ordinary skill would expect that the received signal is provided to the motor to activate the conveyor. The claimed processor is equivalent to the control center of the Conn, Jr. and one of ordinary skill in the art would utilize any processor which is capable of receiving the signal and manipulate the signal to perform the system activities.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poitevin in view of Conn, Jr. as applied to claim 1 above, and further in view of Thornton or Pulliam.

Poitevin and Conn, Jr. were discussed supra. However, the reference fails to disclose that the conveyor belt includes radially positioned ribs to contact the cart.

Thornton (3,444,867) discloses a cart washer having a conveyor, wherein the conveyor have a radially Positioned ribs for connecting the cart (see Figs. 5-7).

Pulliam (3,698,029) discloses an apparatus for automatically washing carts having a conveyor means for conveyance of the carts successively through a wash chamber and a rinse chamber, wherein the conveyor having pick-up fingers there along for separately engaging an underside of a respective one of a plurality of shopping carts (see col. 3, lines 17-31 and Fig. 9).

It would have been obvious at the time applicant invented the system to include radially positioned ribs as disclosed by Thornton and Pulliam into the system of Poitevin for the purpose of separately engaging a cart from one of a plurality of carts. Further, one of ordinary skill in the art would have been motivated to include radially positioned ribs on a belt instead of a chain, since both are for conveying the object from one place to another and radially positioned rib would separate the cart from another carts.

The Prior art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Detrick (RE-33,849) discloses a computerized car wash controls a plurality of washing and waxing devices for cars. These devices are controlled by command signals and the cars moved through the devices via conveyor.

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Foster et al (6,129,099) disclose an apparatus for cleaning carts having a conveyor; a reservoir for holding wash liquid; and a sensor to signal the presence of the cart.

Mueller (2006/0011220) discloses a shopping cart sanitizing apparatus uses a wash tunnel to automatically dispense sanitizing agents onto shopping carts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saeed T. Chaudhry
Patent Examiner



MICHAEL BARR
SUPERVISORY PATENT EXAMINER